

[(IRS?) Memorandum dated October 1, 1946, with author(s), addressee(s) and title(s), if any, deleted. Produced to Eric Larson by BATF on 5/21/98 in response to a FOIA demand for "capture documents" regarding registration of (NFA) war trophies.]

October 1, 1946

Customs Circular Letter of October 28, 1943 and War Department Circular No. 217 of June 1, 1946 permitted members of the armed forces to bring or ship into the United States as war trophies items of captured enemy equipment including machine guns and other automatic weapons subject to the National Firearms Act. This permission, in so far as it related to machine guns and other automatic weapons, was subsequently revoked by the War Department when the danger to law enforcement which such policy entailed was brought to its attention. Many machine guns and other automatic weapons including those of United States issue were brought or shipped into the United States without compliance with the circulars referred to during the period they were effective as to such firearms and such firearms have since been brought or shipped into the United States notwithstanding revocation of the permission.

As indicated by A.T. Circular No. 851 [?] (copy attached) an effort is being made by the Alcohol Tax Unit to secure registration of such illegally imported captured enemy equipment and to have the possessors render them permanently unoperable with the object of keeping them out of the hands of gangsters. The machine guns and other automatic weapons of United States issue which have been brought or shipped into the United States by members of the armed forces likewise constitute a problem in respect to law enforcement.

The problem has been discussed by Assistant Deputy Commissioner [deleted - apparently Davis] with officials of the War Department including members of the Judge Advocate General's office. I understand the War Department is not interested in recovering such firearms of United States issue and is sympathetic to the idea that they be treated as war trophies to facilitate their registration and their conversion into unserviceable weapons. The attached letter has therefore been prepared by Assistant Deputy Commissioner Davis at the suggestion of War Department officials to bring the matter up for a determination. I am not aware of any statute authorizing the Secretary of War to declare such firearms of United States issue to be war trophies but in view of the circumstances and the desirability from the administration point of view [getting?] such firearms registered and rendered unserviceable, I have decided to [last three words illegible].